



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

CARL M. MILLER,

Plaintiff

Vs.

COUNTY OF ERIE, *et al.*,

Defendants.

---

**Stipulation & Order Vacating  
Clerk's Entry of Default**

Case 1:17-cv-00928-LJV-LGF

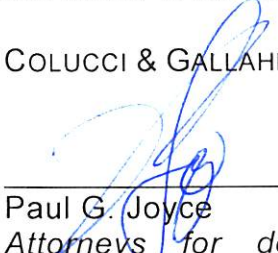
Plaintiff CARL M. MILLER, by and through counsel, having obtained a Clerk's Entry of Default against defendant Maxim Healthcare Services, Inc. (ECF Doc. 10), and defendant Maxim Healthcare Services, Inc. having filed a motion to vacate the default pursuant to Rule 55 of the Federal Rules of Civil Procedure (ECF Doc. 13), it is hereby stipulated and agreed that the Clerk's Entry of Default is VACATED as against defendant Maxim Healthcare Services, Inc. only, and defendant Maxim Healthcare Services, Inc. shall have 5 days from the entry of this Stipulation and Order to file an answer.

SHAW & SHAW, P.C.

  
\_\_\_\_\_  
Leonard D. Zaccagnino  
Attorneys for plaintiff Carl M. Miller  
4819 South Park Avenue  
Hamburg, New York 14075  
(716) 648-3020

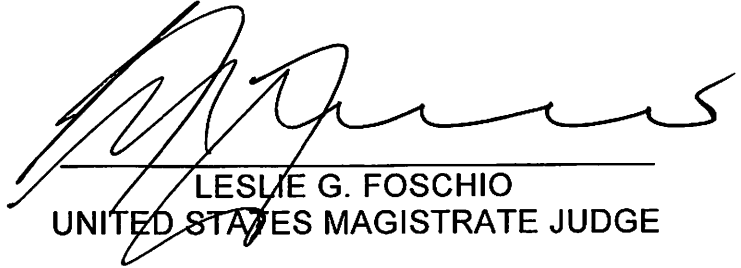
Date: May 21, 2018

COLUCCI & GALLAHER P.C.

  
\_\_\_\_\_  
Paul G. Joyce  
Attorneys for defendant Maxim  
Healthcare Services, Inc.  
424 Main Street, Suite 2000  
Buffalo, New York 14202  
(716) 853-4080

Date: May 29, 2018

SO ORDERED.



---

LESLIE G. FOSCHIO  
UNITED STATES MAGISTRATE JUDGE

Dated: *June 4<sup>th</sup>*  
~~May~~ \_\_, 2018  
Buffalo, New York